

To: Hodgkiss, Kathy[Hodgkiss.Kathy@epa.gov]
From: Rodrigues, Cecil
Sent: Mon 1/20/2014 2:27:34 AM
Subject: FW: NPR segment on WV chemical spill

Below is a link to the NPR SEGMENT I mentioned. Bill Smith added the places EPA was mentioned.

From: Smith, William (Region 3)
Sent: Wednesday, January 15, 2014 4:09 PM
To: Rodrigues, Cecil; Ajl, Diane; Gray, Heather
Subject: RE: NPR segment on WV chemical spill

Interesting. Here are some of the excerpts referring to EPA

REHM

10:26:25

But it's not only West Virginia. You've got Ohio and Kentucky now concerned about their own water supply. Were you surprised to learn about this spill?

HITT

Well, I've been working in Appalachia on coal issues for over 10 years. And I always think nothing can surprise me. But a couple of things about this really surprised me. One was the fact that this facility had not been visited by state inspectors since 1991 -- 1991. This is a facility holding hazardous chemicals immediately upstream of the biggest drinking water intake in West Virginia.

one had inspected it since 1991. And, secondly, it -- on the flipside I guess it didn't surprise me sadly because for those of us who lived and worked in Appalachia for a long time, we have a political environment where our leaders are very hostile to the EPA, to federal environmental protections.

Our Gov. Tomblin was just quoted in the state of the state just a couple of days before this disaster saying, he will "never back down from the EPA" because of its misguided policies on coal. So you have a kind of politically hostile climate around these environmental protections. And you have state agencies that are woefully underfunded and don't have support for the leadership for doing their job.

REHM

10:27:52

Mary Anne Hitt, she's director of the Sierra Club's Beyond Coal Campaign. Turning to you, Daniel Simmons, as Mary Anne said, the governor of West Virginia has taken a very strong stand against the EPA. He's denied there's any link between the accident and coal companies. How do you see it?

MR. DANIEL SIMMONS

10:28:21

Well, this is a -- you know, this is not a coal issue. This is really a chemical safety issue, the way that I see it. And the reason I see it that way is because of this. First of all, this chemical can be used for, you know, other processes. For example, there's an interesting patent out there where using this chemical in air freshener. I don't like licorice, but, whatever. Then the -- you know, this coal that is washed with this chemical is used for metallurgic coal, at least according to National Geographic.

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REHM

10:46:11

There are some within Congress who'd like to see the EPA completely disappear, Mary Anne.

HITT

10:46:19

Indeed. And there is no substitute for having a robust enforcement effort out there. Your environmental cops on the beat, making sure that our air is safe to breathe and our water is safe to drink. And I think one of the things that you've seen in these recent budget battles is a lot of focus on whittling away the EPA's budget, so they don't have as many inspectors. They can't do as much enforcement. And that means you can track that back to the number of sites that won't get inspected, the number of spills that might occur because those inspections didn't happen. So EPA and the folks who protect our clear air and clean water are very much under attack right now.

REHM

10:46:58

What do you think could have been done to prevent this before it happened?

HITT

10:47:04

Well, had this been inspected regularly, especially considering that it's right upstream from the biggest drinking water supply in West Virginia you would think that a regular inspection would have caught that these tanks were failing. But ultimately we need immediate relief for this area. We need to hold the people accountable who are responsible, but the big task before us is, how do we make sure this doesn't happen again? And that requires states like West Virginia to actually work as partners with the EPA, rather than seeing them as an adversary.

REHM

10:47:36

Joel?

ACHENBACH

10:47:37

Just a quick point of fact that according to Mike Dorsey, who's with the West Virginia State Department of Environmental Protection,

he was told by the president of Freedom Industries the company had set aside a million dollars in escrow to upgrade the containment facility. So the company knew that this was a subpar containment facility, and they were going to do it. And they just hadn't gotten around to it yet.

ACHENBACH

10:48:04

And so getting to something that Dan said earlier, you know, how do you make the private sector pick up its game a little bit there, at the very least? And maybe a more robust enforcement and having people breathing down their neck a little bit would make them go ahead and upgrade this old cinderblock wall that is the backup plan to these old rust belt tanks.

REHM

10:48:33

Daniel?

SIMMONS

10:48:34

Oh, and that is something that I agree with. I mean, it is crazy that the water, for example, the people that run the water plant didn't look what was immediately upstream from them and talk to Freedom Industries and whatever else there is. I mean, that is a serious problem. I mean, drinking water is one of the most basic things that come into our house and that it has to be healthy.

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HITT

10:54:02

You know one of the things that I've been thinking about in the wake of this disaster -- the caller spoke about the Chemical Safety Board and sort of their responsibility here. The EPA has not had a head of their Office of Water for 2 1/2 years. The person that was nominated to head the EPA's federal Office of Water has been put on hold for 2 1/2 years. So they've had an acting administrator that whole time from an anonymous -- a secret hold by someone Congress who won't let the nomination go forward.

REHM

10:54:28

A secret hold?

HITT

10:54:29

Indeed. And so we have either tied these agencies' hands, we haven't given them the resources that they've needed or, again, in the case of a state like West Virginia, you have a governor who's openly hostile to the agency and doesn't really create a climate where you can partner, get ahead of these problems and solve them. But instead it makes you wonder how many more ticking time bombs like this are out there, not just in West Virginia and not just in Appalachia but all around the country.

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From: Rodrigues, Cecil

Sent: Wednesday, January 15, 2014 3:29 PM

To: Ajl, Diane; Smith, William (Region 3); Gray, Heather

Subject: Fw: NPR segment on WV chemical spill

Cecil Rodrigues

From: Browne, Nancy

Sent: Wednesday, January 15, 2014 2:53:22 PM

To: Keating, Jim; Giannelli, Gretchen; Leff, Karin; Patterson, Kenneth; Cora, Lori; McCullough, Mary; Rodrigues, Cecil

Subject: NPR segment on WV chemical spill

FYI – The Diane Rehm show did a segment on the WV chemical spill. EPA enforcement is

mentioned several times, as well as the Water Office not having a confirmed AA due to a secret congressional block on the nomination. Segment is probably 35-40 minutes long. You can also just look at the transcript if you are interested.

<http://thedianerehmshow.org/shows/2014-01-14/update-west-virginia-chemical-spill-and-safety-other-states-water-supplies>

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